

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ANGELO FERGUSON,

Case No.: 2:24-cv-02024-RFB-DJA

Plaintiff,

## ORDER

v.

MJ34 WRITE-UP, et al.,

## Defendants.

On October 28, 2024, pro se plaintiff Angelo Ferguson, an inmate in the custody of the Nevada Department of Corrections, submitted a document that does not constitute a complaint and he neither paid the full \$405 filing fee nor filed an application to proceed *in forma pauperis*. (See ECF Nos. 1-1, 1). If Plaintiff wants to proceed with this action, he must file a signed complaint on this Court's approved form and either pay the full filing fee or apply for *in forma pauperis* status. The Court will grant Plaintiff an extension of time to correct both defects.

## I. DISCUSSION

**A. Plaintiff must file a signed complaint.**

"A civil action is commenced by filing a complaint with the court." Fed. R. Civ. P. 3. "A civil-rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by this court or must be legible and contain substantially all the information called for by the court's form." Nev. LSR 2-1. And the complaint must be signed personally by the unrepresented party. Fed. R. Civ. P. 11(a).

**B. Plaintiff must either pay the filing fee or apply for pauper status.**

This Court must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” 28 U.S.C. § 1915(a). The Court will consider the application for leave to proceed *in forma pauperis* and the request for a fee waiver in its discretion.

1 *pauperis.*" Nev. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate  
2 must submit **all three** of the following documents to the Court: (1) a completed  
3 **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the  
4 Court's approved form, that is properly signed by the inmate twice on page 3; (2) a  
5 completed **Financial Certificate**, which is page 4 of the Court's approved form, that is  
6 properly signed by both the inmate and a prison or jail official; and (3) a copy of the  
7 **inmate's prison or jail trust fund account statement for the previous six-month**  
8 **period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. LSR 1-2.

9 **II. CONCLUSION**

10 It is therefore ordered that Plaintiff has **until January 17, 2025**, to file a signed  
11 complaint.

12 It is further ordered that Plaintiff has **until January 17, 2025**, to either pay the full  
13 \$405 filing fee or file a fully complete application to proceed *in forma pauperis* with all  
14 three required documents: (1) a completed application with the inmate's two signatures  
15 on page 3, (2) a completed financial certificate that is signed both by the inmate and the  
16 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the  
17 previous six-month period.

18 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
19 he fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to  
20 refile the case with the Court, under a new case number, when he can file a complete  
21 application to proceed *in forma pauperis* or pay the required filing fee.

22 The Clerk of the Court is directed to send Plaintiff Angelo Ferguson the approved  
23 form application to proceed *in forma pauperis* for an inmate, the approved form for filing  
24 a 42 U.S.C. § 1983 complaint, and instructions for both documents.

25 DATED THIS 18<sup>th</sup> day of November 2024.

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UNITED STATES MAGISTRATE JUDGE